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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,853	02/11/2004	William Michael Cannon	9525	3888

27752 7590 06/26/2006

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

BARNEY, SETH E

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/776,853	Applicant(s) CANNON ET AL.	
	Examiner Seth Barney	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 17, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,367,710 to Fan in view of U.S. Patent No. 6,270,023 to Farley.

Regarding claim 1, Fan discloses a spraying comprising:

- a housing comprising a handle portion (the entire apparatus of Fan is held by the user, therefore the entire apparatus has been considered a handle, more specifically 10 and 12) for gripping in an operator's hand.

- a valve system (111, 32,321,322,323,30,34,36,40) within the handle portion of the housing, the valve system having a configuration that provides three separate spray functions, wherein the valve system comprises:

- a bottom valve component (10)

- a top valve component (40) disposed above the bottom valve component, the top valve component having an underside.

- an inner valve component (30) positioned between the valve component and the top valve component, the inner valve component having a top surface (32) and having an opening therein (3212,322,323), wherein the inner valve component is rotateable relative to the bottom valve component and the top valve component, wherein at least one of the underside of the top valve component and the top surface of the inner valve component have a seal thereon. See Figure 1.

- a selector switch (20) operatively connected to the valve system, the selector switch having positions to set the valve to one or more sprayer settings. See column 3 lines 11 to 29.

Fan does not disclose that one of the settings is to turn the sprayer off. It is commonly known in the art to provide an off setting for spraying devices. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sprayer device of Fan with an additional valve position to block flow in order to easily turn off the sprayer without entirely shutting down the inlet flow.

Fan further does not disclose a purifier cartridge in fluid communication with the valve system. Farley discloses a purifier connected to the spray head. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the purifier in the manner taught by Farley to the sprayer of Fan in order to purify the water stream. The modified sprayer as modified by Farley would have a purifier in fluid communication with the valve system.

Regarding claim 2, Fan discloses a sprayer having:

- a housing comprising a handle portion (10 and 2) for gripping in an operator's hand between the operator's palm and fingers.

- a valve system (111, 32,321,322,323,30,34,36,40) within the housing, the valve system having a configuration that provides more than one sprayer function. See column 3 lines 11 to 49.

- a selector switch (20) operatively connected to the valve system, the selector switch having positions for the more than one sprayer settings, where the selector switch is located at least in a portion of the handle portion (the entire apparatus of Fan is held by the user, therefore the entire apparatus has been considered a handle) a distance from the portion of the handle portion that fits in the operator's fingers, wherein

the distance is within the range sufficient to permit the operator to move the selector switch with the operator's thumb of the same hand that is holding the sprayer by the handle portion. See Figure 1.

Fan does not disclose a purifier cartridge in fluid communication with the valve system. Farley discloses a purifier connected to the spray head. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the purifier in the manner taught by Farley to the sprayer of Fan in order to purify the water stream. The modified sprayer as modified by Farley would have a purifier in fluid communication with the valve system.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,903,897 to Hayes in view of Farley.

Hayes discloses a housing comprising:

- a handle (24) for gripping in an operator's hand between the operator's palm and fingers. See Figure 1.

- a valve system (see Figures 2, 4, and 5) within the housing, the valve system having a configuration that provides more than one sprayer function.

- a selector switch (42) operatively connected to the valve system, the selector switch having positions for the more than one sprayer settings, wherein the selector switch is located above at least a portion of the handle portion a distance from the portion of the handle portion that fits in the operators fingers (see Figure 1), wherein the distance is within a range sufficient to permit the operator to move the selector switch with the operator's thumb of the same hand that is holding the sprayer (see Figure 1).

Hayes does not disclose a purifier cartridge in fluid communication with the valve system. Farley discloses a purifier connected to the spray head. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the purifier in the manner taught by Farley to the sprayer of Fan in order to purify the water stream. The modified sprayer as modified by Farley would have a purifier in fluid communication with the valve system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (571)272-4896. The examiner can normally be reached on 7:30am-5:00pm (Mon-Fri), first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Seth Barney  
Examiner  
Art Unit 3752

sb

SD



DAVIS HWU  
PRIMARY EXAMINER